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SECOND COMMITTEE

STATEMENT MADE BY THE CHAIRMAN OF THE
SECOND COMMITTEE AT ITS 46th MEETING

The Second Committee began its work at this session in very special circumstances. It had been given the task of considering 15 of the 24 items of the agenda, including some of the most complex and controversial, and this task, which was heavy enough in itself, was made more difficult by the fact that the progress achieved with respect to these items in the preparatory work of the Conference was appreciably less than that achieved with respect to the items allocated to the other two Main Committees.

If the Conference was to move ahead, therefore, it was essential that the Second Committee should work at a speed which would enable it to overcome this lag and keep pace with the others.

To achieve this objective it was necessary, first of all, to consider the various items in depth and, in some cases, to study systematically for the first time subjects and issues which had been touched upon only incidentally in the preparatory phase. With this purpose the Committee, on the proposal of its officers, agreed to consider one by one the items allocated to it in the order in which they appeared on the relevant list and to begin consideration of each such item with a discussion, principally for the purpose of giving States which had not been members of the United Nations Sea-bed Committee an opportunity to express their views.

That discussion also provided an opportunity for the presentation of new positions and new proposals and was definitely useful because even if in some cases the statements were essentially a reiteration of opinions expressed in the work done at the preparatory stage and in the general debate in plenary meetings, they contain clarifications and particulars which make it possible to have a better understanding of the interests and aspirations of the various States.

When that debate was concluded it was essential, in order to give direction to the work of the Committee and make it more specific, to identify the main trends with the greatest possible precision and express them in generally acceptable formulations. The officers of the Committee, with the invaluable co-operation of the staff of the United Nations Secretariat, assumed that responsibility, since the establishment of formal or informal working groups to carry out the task would have created difficulties.

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In 13 informal working papers the officers of the Committee summarized the main trends with respect to the various subjects and issues, as they had been manifested in proposals submitted to the United Nations Sea-bed Committee or at the Conference itself with the sole exception of those which were submitted to the Second Committee for consideration after the preparation of the final version of each of the papers in question.

Those papers thus did not reflect trends which had not been put forward as formal proposals, both because time did not permit detailed consideration of the relevant records and because of the difficulty the officers of the Committee would have had in giving a precise formulation of opinions which had not always been expressed with the requisite precision or which were not faithfully reflected in the records.

In view of the nature and purpose of those papers, each of them had been submitted to the Committee in informal working meetings. Thus all the members of the Committee have had the opportunity to make observations on these papers in their original versions and in their first revised versions. After considering those observations in detail, the officers prepared a first and, in almost all cases, a second revision of the papers which, by agreement of the Committee, is the final version.

Thus what we have is the collective work of the Committee which, with the limitations and reservations to be indicated in the general introduction and, in some cases, in the explanatory notes accompanying certain of the papers, is a faithful reflection of the main positions on questions of substance that have taken the form of draft articles of a convention.

Assembling these papers in a single text, with consecutive numbering, makes it possible to present in an orderly fashion the variants which at this stage of the work of the Conference are offered for consideration by States with respect to the subjects and issues falling within the Committee's competence. Naturally, it is essential to read the various proposals and the summary records in order to have an over-all picture of the work of the Committee at this session.

This document, in my opinion, should serve not only as a reference text relating to the most important work done by the Committee at this session but also as a basis and point of departure for the future work of this organ of the Conference. It would be senseless to begin all over again the long and laborious process which has led us to the point where we now stand.

Under the agreement reached by the Committee, on the proposal of the officers, a new examination of items regrouped in accordance with the degree of affinity between them was undertaken at this session. The fundamental purpose of this second phase of the work, which was also carried out in informal meetings of the Committee, was to stimulate negotiation with a view to reducing the number of variants and to consider the items in a more orderly and systematic manner. Unfortunately, time allowed a second reading only of the paper relating to item 2, the Territorial Sea.

In view of the stage of our work at which we find ourselves we must obviously endeavour, between this session and the next, through bilateral and multilateral, regional and subregional, formal and informal conversations and negotiations, to reduce the number of variants by merging the proposals which coincide in their basic points in order to open the way to the formulation of a draft convention incorporating single formulations, chosen because they are the most reasonable, in other words, because they are the ones that seem best to reconcile the different interests and aspirations of States considered individually and of the international community as a whole, without failing to take into account, of course, the degree of support which they have been shown to have throughout the work of the Conference.

I was inclined to undertake the task, which would doubtless have been very risky, of submitting to the Committee for its consideration a text containing single formulations, but I abandoned that idea out of deference to the opinion of some delegations which felt that such an undertaking would be premature and might compromise the success of our future work.

I have tried to present the work of the Committee at this session in the most succinct form possible. However, this statement would be incomplete if I did not refer to the results of our work, which cannot be reduced to figures or reflected adequately in records, reports or other documents.

No decision on substantive issues has been taken at this session, nor has a single article of the future convention been adopted, but the States represented here know perfectly well which are at this time the positions that enjoy support and which are the ones that have not managed to make any headway.

The paper that sums up the main trends does not pronounce on the degree of support which each of them has enlisted at the preparatory meetings and the Conference itself, but it is now easy for anyone who has followed our work closely to discern the outline of the future convention.

So far each State has put forward in general terms the positions which would ideally satisfy its own range of interests in the seas and oceans. Once these positions are established, we have before us the opportunity of negotiation based on an objective and realistic evaluation of the relative strength of the different opinions.

It is not my intention in this statement to present a complete picture of the situation as I see it personally, but I can offer some general evaluations and comments.

The idea of a territorial sea of 12 miles and an exclusive economic zone beyond the territorial sea up to a total maximum distance of 200 miles is, at least at this time, the keystone of the compromise solution favoured by the majority of the States participating in the Conference, as is apparent from the general debate in the plenary meetings and the discussions held in our Committee.

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Acceptance of this idea is, of course, dependent on the satisfactory solution of other issues, especially the issue of passage through straits used for international navigation, the outermost limit of the continental shelf and the actual retention of this concept and, last but not least, the aspirations of the land-locked countries and of other countries which, for one reason or another, consider themselves geographically disadvantaged.

There are, in addition, other problems to be studied and solved in connexion with this idea, for example, those relating to archipelagos and the régime of islands in general.

It is also necessary to go further into the matter of the nature and characteristics of the concept of the exclusive economic zone, a subject on which important differences of opinion still persist.

On all these subjects substantial progress has been made which lays the foundations for negotiation during the intersessional period and at the next session of the Conference.

In conclusion, if the Second Committee has not achieved all that could be desired at this session, the fundamental reason is the fact that the bases necessary for arriving at specific agreements on issues that are both important and complex did not exist. Obviously the solution we seek calls for a slow process of reflection and study. Much headway has been made at Caracas along the road which will lead us to the final goal. In any event I can say that the Second Committee has worked soberly and constructively.
